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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/671,076   | 09/25/2003  | Yasushi Hibi         | 17055               | 5826             |
| 23389  | 7590        | 10/05/2005           | EXAMINER            |                  |
| SCULLY SCOTT MURPHY & PRESSER, PC<br>400 GARDEN CITY PLAZA<br>SUITE 300<br>GARDEN CITY, NY 11530 |             |                      | NOLAND, THOMAS      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2856                |                  |

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |              |  |
|------------------------------|------------------|--------------|--|
| <b>Office Action Summary</b> | Application No.  | Applicant(s) |  |
|                              | 10/671,076       | HIBI ET AL.  |  |
|                              | Examiner         | Art Unit     |  |
|                              | Thomas P. Noland | 2856         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,11-13,15 and 17-27 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11-13,15,21 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2856

1. The amendment filed July 22, 2005 has been entered.
2. Applicant's election without traverse of the invention of group 1, now claims 1-2, 5-9, 11-13, 15 and 21-27 in the reply filed on July 22, 2005 is acknowledged.
3. The restriction requirement is made final.
4. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 22, 2005.
5. Applicant is requested to cancel claims 17-20 in any response hereto.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
7. Claims 1, 11 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Madsen et al US 6,318,146.

Note abstract, Figs. 24-26 and col. 17, line 64-col. 18, line 50.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
9. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen et al US 6,318,146 in view of Madsen et al US 6,190,915.

Madsen et al 6,318,146 does not disclose the use of an inserting hole for an ultrasonic transducer but such would have been a design expedient to allow for closer

interior probing and in view of the teaching of Madsen et al 6,190,915 that such insertion holes are known in similar such systems. Note especially the abstract, fig. 6 and col. 6, lines 28-33 therein. Re claim 21 Figs. 25 and 26 of Madsen et al 6,318,146 appear to show what could be considered plural storage portions.

10. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen et al 6,318,146 in view of Smith et al US 4,974,461.

Madsen et al does not show the use of simulated blood vessels but such is known expedient in similar such evident as evident from the drawings and abstract of Smith et al and would have been obvious to have incorporated into a system similar to that of Madsen to expand the area of simulation.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen et al US 6,318,146 in view of Alderson US 3,310,885.

Madsen et al does not disclose imitation of the spine but Alderson in Fig. 5 shows that it is know to include such structure for similar type phantoms and thus would have been obvious to have included such in a system similar to that of Madsen et al to have expanded the simulation.

12. Claims 7-9, 13, 15 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madsen et al US 6,318,146.

Madsen et al in the embodiment shown in Figs. 24-26 does not specifically teach detachable storage, the use of animal organs, the use of preservatives, the use of hardening compositions, sealing to prevent evaporation or the use of rubber but such

appear to be known expedients in similar such simulators as evidenced by the teachings in col. 7, line 47-col. 8, line 67 of Madsen et al or because it is generally known to simulate human organs with animal models. Obviously removing a cover of animal organ would allow greater odor to escape therefrom. Similarly the use of rubber in systems using ultrasonic transmission is a known expedient since a known coupling material therefore.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show the use of phantoms.

14. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

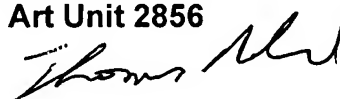
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

**Thomas P. Noland**  
**Primary Examiner**  
**Art Unit 2856**



Oct. 1, 2005